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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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KENNETH A. THOMAS,

Plaintiff,

*versus*

SERGIO J. PEREZ, JR., *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-68

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Kenneth A. Thomas, a prisoner previously confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Sergio J. Perez, Jr., Heather M. Glover, Bryan Collier, and Bobby Lumpkin.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting Defendants' Motion to Dismiss.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

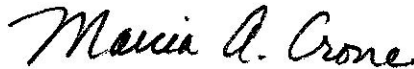
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff asserts he had a cardiac pass for a pacemaker that

should have alerted Defendants he could not be screened by a metal detector on July 1, 2022. The medical pass Plaintiff attached to his objections was issued on July 27, 2022. The document is a pass for a cardiac monitor, and it states that the monitor needs to travel with the patient and the patient must have access to the monitor. It does not identify Plaintiff's medical device as a pacemaker or prohibit screening Plaintiff with a metal detector. For the reasons stated by the magistrate judge, Defendants' Motion to Dismiss should be granted.

**ORDER**

Accordingly, Plaintiff's objections (#44) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of the magistrate judge (#41) is **ADOPTED**. A final judgment will be entered in accordance with this Order.

SIGNED at Beaumont, Texas, this 3rd day of September, 2025.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE